

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GREGORY FERGUSON 95-A-1149,

v.

ORDER
08-CV-493S

DR. JOHN BAUERS, DR. STEPHEN
LASKOWSKI, P.A. ROBERT MAGEE, R.N.
MELISSA COLBY, and R.N. DEBRA HERMAN,

Defendants.

1. On September 13, 2012, Defendants filed a motion for summary judgment dismissing Plaintiff's complaint for relief pursuant to 42 U.S.C. § 1983 in its entirety. On July 26, 2013, this Court referred the matter to the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) to prepare and file a report and recommendation containing findings of fact, conclusions of law and a recommended disposition on any dispositive motion.

2. On August 13, 2013, Judge Schroeder filed a Report and Recommendation recommending that Defendants' motion for summary judgment be granted. On September 13, 2013, Plaintiff timely filed what purported to be Objections to Judge Schroeder's Report and Recommendation. Pursuant to this district's Local Rules, however, a party's written objections must "specifically identify the portions of the proposed findings and recommendations to which objection is made and the basis for such objection, and shall be supported by legal authority." Local Rule 72(b). Plaintiff failed to do so here, inasmuch as his "objections" consist of a recitation of the allegations contained in previous submissions. These allegations were accurately reflected in the Magistrate Judge's recommendation.

3. Nonetheless, this Court has thoroughly reviewed *de novo* Judge Schroeder's Report and Recommendation and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Schroeder's Report and Recommendation. Accordingly, Plaintiff's Objections are denied and this Court will accept Judge Schroeder's Report and Recommendation.

IT HEREBY IS ORDERED, that this Court ACCEPTS Judge Schroeder's August 13, 2013 Report and Recommendation (Docket No. 62) in its entirety;

FURTHER, that Plaintiff's Objections (Docket No. 65) are DENIED.

FURTHER, that Defendants' motion for summary judgment dismissing the amended complaint (Docket No. 57) is GRANTED and the amended complaint is dismissed;

FURTHER, that the Clerk of the Court shall close this case.

SO ORDERED.

Dated: September 18, 2013
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court